

IN The District Court of The United States
middle DISTRICT OF ALABAMA

2007 MAR 23 A 9:33

Billy Gay AINS

V

Gwendolyn Mosley

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

3:05-CV-1228 MEF

PETITIONER MOTION TO AMEND

INTO THIS COURT COMES BILLY AINS (AINS) (PROISE) BY AND
THRU HIMSELF (being and inmate uneducated in matter
of LAW) AND WOULD SUBMIT THIS HIS AMENDMENT INTO
THE RECORDS OF THIS INSTANT MATTERS.

SUBSTANCE OF AMENDMENT

AINS DOES NOW SUBMIT THE FOLLOWING COURT DOCUMENT
FROM THE STATE COURT AS VALID PROE I HIS ATTEMPT
TO EXHAUST HIS STATE REMEDIES (HIS PREVIOUSLY FILED
RULE 32 PETITION (CC-90-7.60) (CC-90-8.60) SEE DOC 31
WHICH THIS COURT MIS-CONSTRUDED

TRIAL COURT DENIAL OF RULE 32 ON 12-1-06

Exhibit #1^(A) APPELLATE COURT MEMORANDUM RULING!

Exhibit (2)[#] ALA SUPREME COURT DENIAL OF PETITION
FOR WRIT OF CERTIORARI! SUPREME COURT OF MOTION
FOR REHEARING!

History of STATE COURT ACTION

ALLS Filed ~~his~~ Rule 32 Petition on APRIL, 11, 05 IN both STATE CASE CC-90-7.60 AND CC-90-8.60 SAID Petition WAS divide by The CIRCUIT CLERK with PART of it being Filed in (CC-90-7.60) The Petition with the Rest being Filed with in (CC-90-8.60) The ARGUMENT to SUPPORT Petition CLEAR VIOLATING ALLS CONSTITUTIONAL Right AND CLEARLY ESTABLISHED State LAW AND Statutes,

This Petition WAS Placed ON The DOCKET OF CIRCUIT COURT Judge Tom young WHO GRANTED ALLS The Right to PROCEED IN FORMA PAUPERIS ON 4-29-05.

ALLS Filed NUMERECUS motion into The TRIAL COURT, WITH ~~NO~~ RESPONSE by The COURT NOR The DISTRICT ATTORNEY, ALLS ALSO SOUGHT ASSISTENCE FROM The APPELLATE COURT CR-04-2427 by use of Petition FOR WIRT OF MANDAMUS Petition WAS DENIED ON 9-21-04 ALLS ALSO Addressed The TRIAL COURT FAILURE to Rule on his Rule 32 petition in The ALABAMA SUPREME COURT ~~1050 149~~ Petition DENIED on OPINION ~~12-9-05~~ All Then Filed This Pending HABEAS CORPUS.

FACTUAL ARGUMENT

ALLS STATES THAT THE RECORD WILL SHOW THE GROSS MIS-USE OF CLEARLY ESTABLISHED FEDERAL AND STATE LAW STATUTES TO UPHOLD THIS GROSS MIS-CARRIAGE OF JUSTICE BY THE TRIAL COURT.

-A- The REFUSAL by Judge RAY MARTIN TO submit A CERTIFIED COPY OF THE ALLEGED indictment upon the COURT OF CRIMINAL APPEAL, see PETERSON V STATE 842 SO 2d 734 ALSO T.T. 15-8-1-21 PLUS ART 1 § 18 AIA CONT. 1901.

-B- The FAILURE OF THE PRUSECUTOR TO Respond TO the Rule 32 Petition WITHIN THE TIME ALLOWED BY RULE 32.7(A) ARCRIMP see GAY V STATE 624 SO 2d 1389

-C- The SUMMARY DENIAL OF Rule 32 Petition VIOLATE CLEARLY ESTABLISHED STATE LAW see ARCRIMP Rule 32.9 (d) PLUS EX PARTE WALKER 652 SO 2d 198 RIVAS-V-STATE 708 SO 2d 204 THE TRIAL COURT REFUSAL TO Release TO PETITIONER OR THE APPELLATE COURT RECORD (INDICTMENT COLLOQUE OF THE PLEA HEARING) RAISE THIS QUESTION. WAS ALLS EVER INDICTED? THE SILENT RECORD PROVISION OF CLEARLY ESTABLISHED FEDERAL AND STATE LAW SHOULD HOLD TRUE. NO DOCUMENTED RECORD SHOW THE CASE IS MOOT AS IT NEVER HAPPENED.

Deliberate ERROR Appellate Court

- The deliberate intentional mis-use of Technical mean to deny AHS Appeal by Judge Baschabs When such opinion clearly contradicted Baschabs opinion in a similar case: see Peterson v State 842 So 2d 734 And Ignoring The Total Lack of an Indictment in AHS Appeal When Baschabs did make The Indictment A Major Issue in Peterson A mis-use of Judicial Authority by Baschabs see Leslie-v-Doyle.

Also see

EX PARTE WEEK 611 So 2d 259 AIA. SUP. CT) PLUS ART 1 § 35 AHS CONL. 1901 on PROCEDURAL Due Process Right AHS into Receive by Baschabs Court Plus EX PART COX 451 So 2d 235 (cited by Baschabs in her dissenting opinion) it APPEARS THAT Baschabs does not hold true to her own opinion Belief When The Appellant is Proise And not Represented by Counsel.

The SUPREME COURT

- The Judgment of This court is ALSO CONTRADICTORY TO The opinion ISSUED in EX PARTE Peterson 890 So 2d _____ Clearly Violating This Court own Clearly Established LAW. AHS now submits this Amendment in This Court And AGAIN STATE Ground To SUPPORT The

This writ And VACATING ALLS ILLEGAL conviction AND sentence (To wit) AS Follow

1 (NO indictment) The TRIAL court REFUSAL TO submit A COPY OF The indictment to The Appellate court (COPY inclosed Exhibit 3+4)

2 The TOTAL LACK OF ANY Review OF The merit OF The ISSUES RAISED AS Required by LAW Rule 32.9(d) ARCRIMP EXPARTE WALKER 652 So 2d 198 PLUS EXPARTE LAND 775 So 2d 840 PLUS Keeney V TAMAGE 118 Led 2d 318.

3 The TOTAL LACK OF COMPLIANCE by Respondant with the Rule Governing HABEAS CORPUS PROCEDURE 28 USC § 2249 see 28 USC § 2244 M. 53 LLOYD-V-VANNATTE 296 F3d 630 The Record will Show THAT Respondent did not comply with This CLEARLY ESTABLISHED FEDERAL LAW (ie) 28 USC § 2249 ALSO This Hon. COURT DENIED ALLS motion to Compel Respondent TO submit SAID VITAL DOCUMENT ALLS State That the Silent Record does Tend to

UP hold his ACTUAL FACTUAL INNOCENT The silent Record
(No Indictment) WAS AHS ever indicted? IF AHS WAS
ever indicted? Why did Circuit Judge RAY Martin
Refuse to Submit A copy to The Court of CRIMINAL
APPEAL CR-0 -1953 (see Exhibit 3+4)

AHS Now Submit This his Amendment That will cover the
IMPROPER use of Judicial Authority by Judge
MARTIN use of A TECHNICAL mean To AGAIN Deny AHS
due PROCESS AND A FAIR TRIAL in The Circuit Court of
Randolph County ALSO The gross Judicial mis-conduct AS
CHARGED WITHIN AHS APPEAL of MARTIN FRIVOLES ACTION
ALSO The very wilful violation of Federal and State
LAW AND Statutes, by his REFUSAL To Release The vital
Documented FACT PURSUANT To 28 USC §§ 2247 § 2248
§ 2249 GOVERNING RESPONDANT ANSWER To A show
CAUSE ORDER in A HABEAS CORPUS ACTION

AHS NOW ASK This COURT To GRANT His WRIT in
COMPLIANCE With 28 USC § 2248 OR in The very
least ALTERNATIVE hold AN EVIDENTIARY hearing
to Allow Respondent AN UNPRECEDENT

OPPORTUNITY TO EXPLAIN THE GROSS MIS-CARRIAGE OF
JUSTICE IN THE CLEARLY AND CONCISELY RACIALLY
MOTIVATED AINS TRIAL OF BILLY GAY AINS.

AINS SUBMIT THE AFOREGOING FACT TO BE TRUE AND FACTUAL
TO THE BEST OF HIS BELIEF AND KNOWLEDGE OF THE TOTALLY
CONFUSSING TRIAL RECORD AND THE FEDERAL AND STATE
LAW GOVERNING THIS INSTANT HABEAS ACTION AVERED
TO UNDER PENALTY OF PER JURY.

Respectfully Submitted
Billy Ains
Billy AINS

Certificate of Service

A COPY OF THE AFOREGOING IS SERVED UPON RESPONDANT
ATTORNEY YVONNE SAXON (EXCEPT FOR THE EXHIBIT DUE
TO HER OFFICE HAVING COPIES OF SAME THUR
MS. BETH POE)

Executed This 23 day of MARCH 2007

Billy Ains
Billy AINS PROISE

Billy AHS
Easterling CF
200 WALLACE DR.
CLIA AIA.
36017

AHS 161437

D-1-18A

LEGAL MAIL



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